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AZ CORP COMMISSION  
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ARIZONA CORPORATION COMMISSION  
UTILITIES DIVISION  
1200 W. WASHINGTON STREET  
PHOENIX, AZ 85007

Letter of Non-Compliance

May 29, 2002

Mr. Tim Sefton  
VIVO Communications-AZ, LLC  
600 South Adams, Suite 210  
Birmingham, Michigan 48009

RE: DOCKET NO. T-03973A-00-1038      DECISION NO. 63923

Dear Mr. Sefton:

This notice will inform you that VIVO Communications-AZ, LLC has not met certain compliance requirements ordered by the Commission in the above-referenced Decision. In that Decision, the Commission conditioned approval of the application on VIVO Communications-AZ, LLC filing certain documents with the Commission within a specific time period as described on the attached Compliance Delinquencies Report.

As a result of this non-compliance, the Certificate of Convenience and Necessity did not issue to VIVO Communications-AZ, LLC and is void. If VIVO Communications-AZ, LLC intends to provide service in the future within Arizona, it must either file a new application for a certificate of convenience and necessity or obtain an extension of time to comply from the Commission. If you are requesting an extension of time to comply, your request must be received by the Commission no later than thirty (30) days from the date of this notice. Your request should set forth the reasons why you did not comply with the Commission's Decision and why you should be granted an extension. The Commission will consider your request and issue an Order either granting or denying your request for extension. Address your request for an extension of time to comply to: Docket Control, Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007. Reference in your request the Docket Number and Decision Number for this matter.

If you believe this to be in error, or, if I can answer any questions, please contact me at 602-542-0818.

Sincerely,

Patrick C. Williams

Manager, Compliance and Enforcement  
Utilities Division

Arizona Corporation Commission

DOCKETED

MAY 29 2002

cc: Docket Control, with eleven copies

DOCKETED BY	
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# **Compliance Delinquencies Report**

Report Date: May 29, 2002

**COMPANY:** VIVO Communications-AZ, LLC

**DOCKET NO.** T-03973A-00-1038

**DECISION NO.** 63923

**DECISION DATE:** 08/06/2001

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**COMPLIANCE ACTION:** Certificate conditioned on Company procuring a performance bond equal to \$100,000 the earlier of 180 days from the effective date of the Commission's Decision or 30 days prior to the commencement of service.

**COMPLIANCE DUE DATE:** 02/04/2002

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